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M U R T H E R will O U T.

Yours of the 12th of this Instant, writ to Sir R. S. I perceive you never heard, that since this happy Revolution, any proof was made in Detection of the most Treacherous and horous Murther of that Great, but unhappy Pa- Arthur late Earl of Essex: Wherefore according to the Commands laid upon me, I shall as briefly as I can, give you an Abstract of the most materi- positions which in that Matter have been made; upon what Information I first moved, and for what Reasons I did ingage in the Prosecution. In Compendium, I shall refer you to a large Discourse, *Essex's Innocency and Honour Vindicated* (in a Letter to a Friend) printed above two Years since; your Nephew B. it will be shortly brought you. The late Earl of Essex was committed to the Tower, Tuesday the 10th of July 1683. Bomeny, his servant, was immediately attending on his Lord- ship, Monday, and Russel, were the two Warders, who stood, one at his Lordship's Chamber- door, the other at the Stairs-foot; and Floyd (a Sol- dier) was sentinell at the House-Door, under the Earl's Chamber-window, Vide Letter, &c. p. 2. Friday following, his Lordship was (falsely) said to have cut his Throat. To prove which (pretended) Murther, Bomeny and Russel, on the then next day, appeared before the Coroner in Substance, That the Earl of Essex, in less than half an Hour before he was found dead, had a Razor delivered him to pair his Nails: with which Razor, his Lordship retired into a little Closet, and shut himself in; which Closet, soon after being opened; there was found with his Throat cut, (Both Jugu- lums divided,) and the Razor lying by the Body. L. p. 2. This Evidence for the Self-Murther is detected in every part; For it appears by the many Contradicti- ons between Bomeny, Russel, and Monday, and the De- positions of many Witnesses; First, That there was no Razor delivered my Lord, nor found by him in the Closet, nor there after his Death, to colour the Self-Murther. Secondly, That the Earl's Body was not lockt into the Closet. Thirdly, That the first of these, Bomeny in his first Oath, depo- sed, That he did not deliver the Razor till the Mor- ning after his Lordship died, L. p. 34. and in his his second Oath (taken within a few hours of the first) He deposed, he delivered the Razor the Day before his Lord- ship's Death; L. p. 3. Russel swears the Razor was delivered in less than half an Hour before my Lord was found dead; L. p. 4. and often declared, that it was delivered by Bomeny, after Monday had left my Lord's Chamber; But Monday affirms, That his Lordship had the Razor about 3 hours before he was found dead; and above 2 hours before Russel stood at my Lordship's Chamber-door, that Morning the Earl was found dead; L. p. 35. and 36. These Contradictions de- stroy the credit of each other, and consequently prove the falsity of all. That there was no Razor found with the Body, is evident; for two Depo- sitions saw a bloody Razor thrown out of his Lord- ship's Chamber-window (which is 16 foot distant from the Closet) before the Earl was known to be dead; L. p. 40, 41, 42. and Floyd confessed he saw the Razor so thrown out. Webster, one of the sup- posed Ruffians (whom Floyd declared he let into the Earl's Lodging a little before his Lordship's Death,

L. p. 41.) owned, That he himself threw the Razor out; and being asked the Reason, replied, he was then under a consternation, and knew not what he did, L. p. 42. Several that were in the Tower that Mor- ning my Lord died, deposed, That it was commonly discours'd in the Tower, just after my Lord's Death, That there was a bloody Razor thrown out of the Chamber-window, before ever it was known my Lord was dead, L. p. 42. I perceive most are to seek of the Reason wherefore this Razor was so thrown out, which might be what follows. The Ruffians having murdered the Earl, before they laid all things in that posture they designed they should be found, by such as should come to see the Earl's Body; A Person coming up Stairs, these Varlets were surpriz- ed with fear, having not finished that Tragical Scene, as they designed to have left it. Under this Amaze- ment, one of the Ruffians threw the Razor out of the Window. This was not politickly done, but it's to be considered that what is the Effect of surprizing fear and consternation (as this action was) is not cunningly and judiciously executed; for this I have some ground; and the Truth time may discover. Se- condly, That the Body was not lockt into the Closet; Bomeny first swore that he knocking at my Lord's Closet-door, and calling, My Lord; his Lordship not answering, he (himself) pushed the Door open, and there saw the Body, L. p. 35. In his second De- position taken the same Day, he deposed, That when he knockt at the Closet-door, and called, My Lord; his Lordship not answering, he peep'd through a Chink, and saw blood, and part of the Razor, where- upon (without opening the Door) he called Russel, and Russel pushed the Door open, L. p. 3. This push- ing supposes violence; but Russel deposed, he him- self opened the Closet-door, the Key being on the outside, L. p. 4. and speaks of no difficulty in it; whereas Monday gives the Lie to both Bomeny and Russel; and declared that my Lord's Body lay so close and strong against the Closet-door, that nei- ther Bomeny or Russel could open the Door; but he himself coming to the Door, and being much strong- er than either of the two former, put his shoulder against the door, and thrusting with all his might, broke it open, L. p. 35. This Relation stult with Contradictions, argues the whole is false, and contri- ved. For whensoever two or more Deponents pretend to be Co-witnesses of a Fact (as in this case Bomeny, Monday and Russel do) and they materially contradict each other (as is herein most notorious) it's evident all is forg'd. This rational conclusion was drawn by Daniel, from the contradictory charge of the two Elders against Susannah. That the Closet was, or could be lockt upon the Body, is false, and con- trived, as appears by the Oath of such who coming up to my Lord's Chamber just after his death was first discovered; they observed the Legs, part out of of the Closet (so that the Closet-door could not possibly be then fast) and a bloody foot was seen imprinted on my Lord's Stocking, L. p. 40. This in contradiction of that Evidence, which would prove his Lordship a Self-Murtherer. I shall now give you some farther Testimony to prove the Earl Bar- barously murdered.

D.S. in substance deposed, that in July 83, she was Servant to

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one Mr Holmes (a notorious bigotted Papist) and about 9 Days before my Lord of Essex's Death, She overheard several Papists declare at the House of the said Holmes, That the Earl of Essex was so averse to their Interest, that he must be taken off; and that they had been with His Highness (the late King) and His Highness was first for poisoning the said Earl, but that manner of death was objected against; it was then proposed to His Highness, that the Earl should be stabbed; but that was not liked; at last His Highness concluded, and ordered his Throat to be cut; and His Highness had promised to be there when it was done. About 6 Days before his death, some of the same Consult, at the same place declared, that it was resolved the Earl's Throat should be cut; but it would be given out, he had done it himself, and whosoever should deny that, should be taken up and punished. The very Day this Murther was committed, and after it was done, one of these Villains leaped about Holmes's Parlour for joy, and Holmes coming into the Room, he struck Holmes on the Back, and cried, The Feat was done, and he could not but laugh to think how like a Fool the Earl of Essex look'd when they come to cut his Throat, L. p. 23, 24. That this Relation was not invented upon this Revolution to asperse the late King, many Witnesses have deposed, That this servant gave them the Substance of this Account some years before the late King abdicated; and that these Deponents cautioned her to secrecy, L. p. 23, 24. To avoid this Charge of D. S. Mr. Holmes procured 2 Witnesses. Mrs. Hewet, a violent Papist, and the other of a loose Character, to depose that in April before the Earl's Death, this D. S. was turned away from Holmes's House upon Suspicion of Theft; and from April 1683, to 9 Months after, one Elizabeth Cadman was servant with the said Holmes; and no other servant there. El. Cadman swears the same, L. p. 24. But it's deposed by 6 Witnesses, That D. S. was servant with Holmes about the time of the Earl's Death, L. p. 24, 25. and it's proved, continued there a Servant sometime after his Lordship's death, L. p. 25. Hewet further swore, That on the 6th of July 1683; She went out of Town with Holmes, and tarried out with him till the 23th of the same Month; but in contradiction to this part, it's deposed by a Taylor, That the very Week my Lord died, he delivered a Dust-Gown to Mrs. Hewet, then in London; this appears by the Taylor's Book, to which he hath sworn, L. p. 25. but Mrs. Hewet told this Taylor, to this effect; That if he did swear this, he would prove her Brother Holmes in Town (when she had sworn him above 60 miles off) and that her Brother was then a dead Man, L. p. 26. Thus Holmes's Defence appears false in every part. And where a Defence is detected to be false, it's not uncharitable to conclude that the Charge is true. As a farther Evidence to confirm the Consult to murther my Lord; and that His late Majesty the then Duke of York, was to be there when it was to be done, it's proved by 8 Witnesses, that it was reported, at several remote places in England, sometime before the Earl was dead; That the Earl had cut his Throat in the Tower, L. p. 26, 27. and at one of these places, (viz.) Andover about 60 Miles from London, the very next Day after the Earl was committed to the Tower, and two days before the King and Duke went to the Tower, it was declared; That the Earl being Prisoner in the Tower, and understanding the King and Duke were come into the Tower, his Lordship was afraid His then Majesty would have come into his

Chamber, which the Earl could not bear the thought of, and therefore cut his Throat, to avoid it, L. p. 27. But the most secret in that horrid Contrivance, knew the King and Duke were to be in the Tower when the Earl was to be murdered, or had such as were acquainted with the whole Contrivance could report two days before the Earl's Death, that his Lordship cut his Throat when the King and Duke were in the Tower; for the King and the Duke had been together in the Tower but once in 25 Years before; and their going the day my Lord died, was surprize to the very Yeomen of the Guard; many of which, about five in the Morning were called out of their Beds to attend His Majesty and Duke into the Tower. All these reports of the Earl's Death before he was indeed dead, agreed in the manner how [cutting his Throat] the Place where [the Tower] and one of the pretended Reason wherefore [to avoid seeing the King then in the Tower] which Reason was industriously urged by the Papists, after his death, as an Argument for the Self-Murther. All this strongly proves, that the manner, place, and pretended reason were some time before my Lord's Death (or indeed commitment to the Tower) agreed upon; for it could not otherwise be so particularly related, about 60 Miles from London, the next day after his Lordship's commitment to the Tower. That His late Majesty sent his Ruffians into the Earl's Lodgings to murther him, reasonable to be believed, it being deposed by several Witnesses, That on the Day of my Lord's Death two Soldiers (since taken off to prevent their discovery) declar'd they saw the then Duke send his Ruffians into the Earl's Lodgings, and these two Villains were observed to return to his then Highness before the Earl's Death was known; and as they came near him, they smiled, and said, The Business was done; upon which the then Duke seemed well pleased. Floyd the Centinel confessed, that by special Order he let in two or three Men, of which Mr. Bailiff was one, into my Lord's Lodgings just before his death; that he heard them going into my Lord's Chamber, upon which he soon observed a great noise and trampling; a little after which, it was pretended the Earl of Essex had cut his Throat. Whilst the Centinel was in Newgate, as suspected privy to my Lord's Murther, he desired liberty to send for his Neighbour, which being granted by the Lords of the Committee; This Soldier after he had often enjoyed his Neighbour to be true to him, declared, That he was much troubled that he had confessed the letting in the men to my Lord; for tho' it was indeed true, it was what he should not have owned, L. p. 28. Whilst these Ruffians were thus struggling with my Lord, one E. saw three or four men bustling together in my Lord's Chamber; and she heard one of them crying out very loud and dolefully, Murther, murther, murther, and this she soon discovered to one Mr. P. who immediately caution her to secrecy, because the discovery thereof would be her ruin, L. p. 29.

Mr. P. hath in this respect confirmed the Testimony of E. B. So that this Evidence appears to be a new-made Story, L. p. 29.

That his Lordship by his struggling, endeavouring to prevent their cutting his Throat, appears by the Cuts that were observed on his right Hand, L. p. 29.

The many and gross irregular Practices, with respect to the Coroner's Inquisition, are further Pro-

of my Lords being Murther'd; and these Irregularities committed contrary to the then King's Order; for as soon as King *Ch.* heard of the Earls Death, he did immediately send a Gentleman to order that all things should remain in those Circumstances the Body was first found dead, till the Coroners Jury had sat upon the Body; but notwithstanding this positive Order from the then King, the Body was soon taken out of the Closet, and that very day the Body was stript, the Cloathes carried away, and the Room and Closet wash'd; and the next day, when the Jury sat, one of the Jury insisted upon seeing my Lord's Cloathes in which he dyed; whereupon the Coroner was sent for into the next room to the Jury, and upon his return told the Jury it was the Body, and not the Cloaths they were to sit upon; the Body was there, and that was sufficient, *L. p. 44.* Now, had the Cloaths been produced, the print of the bloody Foot before observed, would have appeared, and that my Lord's Cravat in the Neck was cut in three parts, besides other Circumstances in the Cloaths, which might have prov'd the Resistance made by the Earl to prevent his being Murther'd, had they been produced. Whilst the Jury was sitting, one of them did to this Effect, That he had heard the Earl of *Essex* was a very Good, Sober, and Religious Gentleman, and therefore this Action was very unlike that Character. Whereupon Major *Hawley* (at whose House my Lord was Murther'd) in substance tells the Jury, (and this Man who thus spake in particular) That whosoever thought that Self-murder was not like the Earl of *Essex*'s Character, did not well know his Lordship; for every Gentleman who was intimately acquainted with the Earl, knew that it was his Lordships fix'd Principle, That any Man might (and ought rather to) cut his own Throat than be brought to an Infamous Death; wherefore this Action was according to the Earl's avowed Principle, *L. p. 46.* But when Major *Hawley* was ask'd before the Lords of the Close Committee, how he knew this to be my Lords avowed Principle, *Hawley* protested he did never hear it said to be my Lords Principle, till their Lordships charged him with having suggested it to the Jury, and that he could not possibly do for this further reason, because he was not near the Jury all that time they sat upon this Inquisition. *Hawley*'s now denying the suggesting to the Jury this pretended Principle of my Lord, argues, That this pretended Principle was a Forgery, and contriv'd to corrupt the Jury with a belief of the Self-Murder. The Jury were for adjourning their Inquisition, and giving notice to my Lord's Relations, so that if any thing could be proved on my Lord's behalf, it might be heard. But to prevent this, *Hawley* tells the Jury, That the then King had sent for their Inquisition, and declared he would not rise from the Council-Board till their Inquisition was brought him; wherefore they must dispatch out of hand, *L. p. 46.* This being credited, they made all imaginable hast, and did not take that time they would otherwise have done. *Hawley* being asked who came from the King, thus to hasten the Jury, protested he never heard that any Person was so near; neither did he declare this to the Jury, nor could he do it, for he was not near them all the time they were upon this Inquisition. But the Coroner, and all the Jury very well knew *Hawley*; and it is

sworn he was with them, and made use of those Suggestions beforementioned.

Hawley's denial, That he was near the Jury, argues his being conscious that he was with them to a very ill purpose. It being a general Observation, That whensoever a Person is charged with a Crime at a certain place, and he positively denies his having been at that place, when the Crime is said to be committed; if such his denial prove false, and it appears by undoubted Evidence, that he was at the place when the Fact was done, it is taken for granted, that he was there to do what he is charged to have done. A false Defence still argues a true Charge.

Lloyd the Centinel, the day he was first seiz'd as suspected privy to this Murder, declared, That when the Men came to my Lord's Lodgings just before his Death, Monday, or Major *Hawley* ordered him to suffer the three Men to come in, *L. p. 27.*

To avoid this Suspicion, Major *Hawley* declared before the Lords of the Close Committee, that he went out of his own house about four or five of the Clock that morning, and came not near his own House till after my Lord's Death, when Monday the Warder, came and gave him notice of that Accident; but it was positively sworn by one (that passed by Major *Hawley*'s House about eight of the Clock that Morning, which was a little before my Lords death) that he saw the Major then go into his own House, *L. p. 32.*

Webster (beforementioned) one day very much abusing his Wife (or Whore), she told him (to this effect), That he was a Fool, as well as a Rogue, to treat her so, considering he knew it was within her Power to hang him, and one in the Tower, *L. p. 44.*

This *Webster* the very day my Lord was Murther'd, produced a very fine Cambrick Pocket-Hankerchief, mark'd with an E. and a Coronet. The Hankerchief was very Bloody, and this Barbarous Wretch shak'd it, and with a great rejoycing, cried out, Here is the Blood of a Traytor.

The next day after the Earls Murder, this Fellow (before that time miserably poor) produced a little Purse which he shook before a Neighbour of his, and out of the Purse told Forty nine Guineas, and a Pistol.

But it seems he had a far greater Sum than this; for (sometime after his Lordships Murder) his Wife, being upbraided with her Husbonds Poverty, reply'd, My Husband not long since had five hundred Guineas, *L. 44.*

This is probable enough, considering the great Sums of Money this vile Fellow was observ'd to play away shortly after the Earl's death, for (it's believed, by those that observ'd his then losing, that) he lost above 400 l. within twelve Months next after his Lordships Murder: Male parva, male distribuntur. Ill got, ill spent.

Sometime after the Earls Death, *Holmes* (as before accused of being privy thereunto) abusing his Wife, she was over-heard to tell him, He was a Murderous Rogue, and he well-knew she could hang him when she pleas'd. To which *Holmes* answer'd, That he little thought she would have spoken of it, who of all the World had the least Reason. For said this Scurrilous Fellow, You Bitch, you Whore, don't you remember I bought you a good Sattin-Gown and Petticoat, and therefore you above

above all the World ought not to prate. But she repli'd, You are a Murderous Rogue for all that.

The many ill Practices, violent Prosecutions, and indeed barbarous Murders that have been committed to avoid a discovery of my Lord's Murder, are further strong presumptions of that Barbarous Cruelty. Of the first sort we have a remarkable Instance in this particular, (*viz.*) When the Coroners Inquisition, and the Depositions of *Bomeny* and *Russel*, were carri'd in all haste to *White-Hall*, in order to their immediate Publication; upon reading and comparing these new Informations, it was found that they did (in point of time) materially contradict each other; wherefore to make their Relations in this respect, appear to the World more consonant to each other into *Bomeny's* Deposition these words were foisted, (*viz.*) on Friday the Thirteenth Instant; wherefore the then Authority might properly be said to have forg'd an Information. For upon the least Alteration of, or Addition to what was sworn by *Bomeny*, it ceased to be his Deposition.

Whomsoever the then Authority pitch'd upon to peruse and reconcile *Russels* and *Bomenys* Depositions, so that they might not appear to the World inconsistent with each other, 'tis plain he was not qualified for that Service; for the words (before observ'd, to be added by this Reconciler) are foisted into *Bomeny's* Deposition without the least congruity to Sense and Grammar; As at large appears in *L. p. 48*.

It matter'd not how contradictory *Bomeny* and *Russel* were in their Oaths before the Coroner, provided they appear to publick view in a credible Dress. For those Originals being kept by the Coroner, it could not appear to the World, that either of these printed Depositions was different from what was indeed sworn; 'twas taken for granted that the Coroner durst not contradict what Authority had ordered to be printed.

Robert Meake, a Soldier in the Tower when my Lord was Murder'd, (and that very day discovered to several Friends what he knew of the matter) the next Morning after the Earl's Death, desired those (to whom he had made that discovery) not to reveal the least of what he had told them with relation to my Lord's Death: For (said *Meake*) this very Morning several Soldiers were called together, and by our Officer enjoyned (under severe Threats, not to make known any thing of what we saw or heard, with reference to my Lord's Death. And therefore he was undone if they should declare what he had the day before told them.

But it seems it was soon known or suspected by my Lord's murderers, that *Meake* had revealed his knowledge in this Matter; and therefore they were resolv'd to take him off, to prevent his farther Relation; of which this poor Soldier being very sensible; the very Day he was murdered, he came to several of his acquaintance, and told them, That he found he went in danger of his life; and he was afraid he should be murdered for discovering what he knew as to my Lord's Murder; wherefore he desired those his Friends to keep him company that very Day, for he much fear'd he should that very day be taken off; but his Friends dreading the danger themselves might be in whilst in his Company, refused to go with him, and that very Night this honest Soldier (who was commonly known in the Tower and amongst his acquaintance, by the Name of honest Robin) was thrown into the Tower-ditch,

and the then next Morning there found dead, *L. p. 49*.

There was one *Mr. Hawley*, a Warder in the Tower that Morning the Earl died, who the day Mr. *Ston* and I were Tried, declared, That he knew Mr. *Braddon* could know nothing of the matter; which a Gentleman serving, said to *Hawley*, If you know Mr. *Braddon* know nothing, what must you know then? To which Mr. *Hawley* made no reply.

But this Warder's knowledge in the Matter, cost him dear; for about March next after the Earl's Death, this Man was missing, upon which a Popish Warder said, That *Hawley* had been prating about the Earl of *Essex's* Death, and for what he said, was forc'd to run away, tho' it afterwards appeared he was murder'd; for about 6 Weeks after he was first miss'd, he was found almost naked in *Medway* River, having been villanously destroyed; and such barbarous cruelty acted towards him, that none of his own Relations (not his own Wife) could know him by his Face, nor by any thing but what he had on his Legs; for his Cloaths were stript off (without doubt) that the Body might not be known, but his Stockins left on, by which he was discovered; for he wore three Stockins upon one Leg, and two Stockins and a Serp Cloath (which he wore for some hurt) upon the other; by which remarkable circumstance the Body was known to be Mr. *Hawley's*.

Had his Murderers took off his Stockins, as they did his Cloaths, none could have known it to be Mr. *Hawley's* Body. But the Avenger of Blood in his Providence ordered this otherwise; and hereafter may detect those barbarous Destroyers of Mankind, with all their complicated Murthers that by them have been perpetrated, with Relation to their first perfidious Cruelty.

Many have been the Practices used, to prevent a publick Discovery of what was known by particular Persons in this matter; For,

About 6 Weeks after my Lord's Death, there was a Letter (unsealed) left with one Mr. *Cadman*, then living in *Durham Exchange*. The Letter was directed to the Right Honourable the Countess Dowager of *Essex*: The substance of this Letter was; That if her Honour could prevail with the King for the Author's Pardon, he would ingenuously make a full Discovery, how, by whom, and whose Order my Lord was murdered; and this Letter did assure her Honour, that the Duke of York and — were authorizing this Murther.

This Letter was subscribed, *P. B.*

By the Hand that writ it, and the Letters subscribed, it was *Paul Bomeny*, beforementioned (who did once blasphemously say, that he could as well tell how my Lord came by his Death, as God Almighty himself. For the Letter was fairly writ in a Hand, between a Roman and Italian; and such an Hand *Bomeny*, when he writ fair, did write; Besides, the two Letters subscribed, are the Letters of his Name.

I do suppose it may be objected, That this Letter cannot be thought to be writ, and subscribed by *Bomeny*; for the Letter, had it been brought in Accusation against him, and proved to be his, would have cost him his Life; seeing herein he confessed himself guilty of the Fact.

But with submission, I think *Bomeny*, by this Letter (could it have been proved, to be his own Hand writing) was in no danger at all of being punished; for had they seized *Bomeny*, they would have caught

should they have proceeded against him, for the Murther. Upon this Confession, the World would have believed the whole Contents of this Letter, to be true; and consequently, that the Duke of York, and ----- authorized (or rather commanded) this most Treacherous Murther; and then pray consider, what that Government could have got by such Prosecution, Conviction, and Punishment.

This Letter was carried by Cadman, to a Justice of Peace, and by him to the Secretary of State. But this Bookseller, was never sent for, nor any enquiry made after the Author.

This Murther was a *Noli me tangere* of those times, which was not therefore to be inquired into; but such as could make Discoveries, were to be threatened or wheedled into silence. Of which (amongst many others) we have these Instances following, (*viz.*)

William Edwards (who saw the bloody Razor thrown out of my Lord's Chamber-window before his Death was discovered, and hath deposed the same before the Lords), further made Oath, That as he was going into Westminster Hall (that Morning Mr. Speak and I were Tried) he met Major Hawley, who (knowing Edwards was to be an Evidence at that Trial) in a very threatening manner told him, That if he might have the management of him, the said Edwards should be whipt once a Fortnight for 7 Years together. Which menace of the said Hawley did so terrify this Boy (then about 13 Years of Age) that he was afraid to own what he knew, lest he should have suffered for so doing.

But gentler Methods were sometimes thought more proper to be used towards such as could reveal any thing material herein; for it's proved that one ——— Major Hawley was one of the best Friends she had in the world upon account of somewhat which she knew with relation to the Earl of Essex's Death, L. p. 33.

The bare disbelief of the Earl's Self-Murther, was heretofore a State-Heresy against our then Mis-Government, and Severely prosecuted, tho not with fire, yet with barbarous Usage; as appears by the treatment of an Ancient Soldier, who sometime after the Earl's Death, was ordered to shew a certain Dr. the Tower, which, whilst he was doing, the Divine asked the Soldier which was the Chamber the Earl of Essex cut his Throat in? Whereupon the Soldier pointed to the Earl's Lodgings, and said, that is the Chamber, in which, they say, he cut his Throat. The Dr. then asked the Soldier what he did believe? The poor Man (to evade a direct answer) said, he believed in God; but the Dr. pressed him to declare whether he did not believe his Lordship cut his own Throat. The Soldier (with some unwillingness), replied, that he would not say he did believe it. The Dr. looking on this Expression, as a great Offence, immediately complained hereof to the Lord Allington, then Constable of the Tower: upon this Complaint the Soldiers were ordered to be drawn out, that this Man might be discovered; which this Soldier understanding, to avoid discovery, some way disguised himself, but notwithstanding, the Parson knew him, and charged him with what you have before heard; for which this unhappy disbeliever was put into the Hole, and there sat some considerable time upon Bread and Water; and whilst the Lord Allington was out of the Tower, and when there, Commander in Chief, ordered the poor old Man, then past 60 Years of Age, to be tied to the wood-galley, and stript to his Waste, and the Marshal to

give him Fifty three stripes (tho' the usual number was but Twelve), after which, this Officer told the Soldier, he ought to have been hang'd for what he declared. And yet nothing more in substance than what is before-mentioned.

One of the Coroner's Jury, sometime after my Lord's Death, at a Coffee-house, said, he thought that they of the Jury were all infatuated, to find the Earl *Felo de se*; and he verily believed, that had they been allowed convenient time, they should have brought it in otherwise. This Jury-man for these words was taken up, imprisoned, prosecuted, and fin'd. Such were the violent Methods used in those days, to avoid any Suspicion of my Lord's being murdered.

The timing the Earl's Death, and the sudden use thereof made, is another Argument, not only of the Murder, but of one main end thereby design'd. My Lord was taken off, when that great Patriot, the Lord Russel was upon his Tryal.

As soon as King Ch. heard of the Earl's death, he sent Sir C—— to go and view the Body, and take the Examinations of such as were attending on my Lord, at the time of his death. Sir C—— had no sooner began to examine those Attendants, but a Messenger came (as he pretended) from the King, to tell Sir C——, He must go to the Old Bayly, and give notice to the then Court, that the Earl of Essex had cut his Throat. Whereupon Sir C——, by the same Gentleman desir'd His Majesty, that he might finish the Examinations he was then taking, and he would then go to the Old Bayly. But the same Gentleman soon return'd, and declar'd to Sir C——, that His Majesty did expressly command him to go forthwith to the Old Bayly, and to give notice of my Lord's Death. In obedience to which repeated Command, Sir C—— instantly went, and gave notice to the Court of that deplorable Accident. But Sir C—— hath unhappily forgot who thus twice brought His Majesties express Orders. L. p. 47, 48.

As soon as the Court received this Account from Sir C——, with what malicious Application was it urg'd against the then unfortunate Gentleman at that time there upon his Tryal? It was said to be an argument from Heaven, of the truth of the (then) pretended Plot. The Kings Council said, That *Digitus Dei* (but indeed 'twas, *Digitus Diaboli*) appear'd in that Evidence, and that it was more than a thousand Witnesses. Vide L. Russel's Tryal.

This Murder thus vehemently urg'd, not a little bias'd the Jury against the then Prisoner; some of them having ingenuously confess'd, that it much influenced their Verdict against that unfortunate Gentleman. Thus by that fatal Cut, wherewith those bloody Wretches murder'd the Earl, they did (virtually) destroy two of our greatest Patriots, true State-Martyrs for the Religion, Laws, and Liberties of their Native Country.

S I R,

I Shall now give you a short Account upon what Grounds I did first ingage in this Prosecution, and what hardships I have met with from the Severity of the two last Reigns, for having endeavoured to detect this complicated Murther.

My Lord of Essex was taken off the 13th of July; the Coroner sat on the Body the 14th, and on the 16th

16th of the same Month, the Depositions (taken before the Coroner) were printed, in which (amongst other things) it was sworn, That the Razor was lock'd in with the Body into the Closet, and there found. Upon reading this particular, a Friend of mine declared the Razor could not be lock'd into the Closet; for there was a bloody Razor thrown out of my Lord's Chamber Window before it was known that the Earl was dead, and that this Razor so seen thrown out, one *Edwards* beforementioned, endeavoured to take up; but a Maid came out of my Lord's Lodgings, and took it up, running with it into my Lord's Lodgings, and then first discover'd his Lordship's death.

Finding this Relation very inconsistent with what was sworn before the Coroner, I concluded those forsworn Attendants did not swear false for any other end, but to avoid the discovery of *that Truth*, which might detect this Villanous Murder.

Hereupon I did advise with some Friends, to whom I did communicate my Resolution of making inquiry into this matter; but with an unanimous Consent they all dissuaded me, telling me, that if the Earl was Murder'd, that Interest and Power concern'd therein was too powerful for me to cope with. To which I made answer to this effect, That of this I was well satisfied, but I dreaded what might be the consequence of no Mans engaging in this Detection; for if that bloody Party which destroy'd his Lordship, perceived such their Cruelty was unsuspected, and that it was generally believed to be done by the Earl himself, in probability many more might fall such Sacrifices to their Malice: For if those cruel Men found any to oppose their Designs, it was but to pretend a Crime, and thereupon Imprison them, placing over them perfidious Villains, that would either Murder them, or suffer others to do it, and then add Perjury to Murder. And they might destroy many Noblemen and Gentlemen, that were truest Friends to the *English* Interest; but if those vile Men once perceived that this their first Murder was suspected, and in danger of being expos'd, they would not so readily engage in a Second Part of that horrid Tragedy, the prevention whereof I did prefer to my own private Interest and Safety; and tho' to the certain Ruin of both, I was resolved (by the grace of God) to engage therein.

With this Resolution, I made inquiry after this *Edwards* (whom before I never saw) and finding this Boy to give the Relation before-mentioned; and that as soon as he came from the *Tower* (that Morning my Lord died) he declared the same to his Mother and Sisters (as they were ready to attest) I took in substance what the Boy and his Relations could depose, and therewith went to some Magistrate; but I found all shy to meddle in the Matter.

Being thus disappointed, the very *Thursday* after the Earl's Death, I went to *White-Hall*, and carried with me what the Boy and his Mother could declare, and were ready to make Oath of.

This I gave to my Lord *Sunderland* (the then Secretary of State) The Secretary commanded me to attend the then next day, about Ten in the Morning; and so bring with me the Boy and his Mother, and his Lordship said, *If it were proper he would take their Depositions.*

Friday the 21th of *July* 1683, I went down to *White-Hall*, with the Boy and his Sister (who could testify the same, with the Mother, who was then in and sent word to the Secretary, then in Council, That I did attend according to his Lordship's Order. Upon which a Messenger was sent forth (and before the Boy or his Sister, or any person was examined against me) I was taken into Custody; and after some short time, carried before the King and Council.

When I first came before His Majesty, the King asked me, what mov'd Me to engage in that Matter?

I told His Majesty, that I was altogether a stranger to that Honourable Family; so that I lay under no greater personal Obligation than any man might who had met with the same Informations. It was my love to Truth and Justice, that moved me to engage therein; and through the grace of God, would do my duty, though Death star'd me in the Face every step I made.

After many foreign Questions from the matter in hand, I pull'd out of my Pocket the Coroner's Inquest, and observed to His Majesty some of the Incoherences and Contradictions sworn before the Coroner.

The Duke then demanded to see those Depositions which being delivered, his Highness look'd over them, but made no answer to what was objected. His Majesty received them from his Highness, and said as little in answer. The then Lord Keeper *North* endeavoured to reconcile those inconsistencies: But I did object against such his Lordship's Reconciliation as insufficient; and urged farther those Incoherences. This made the Lord Keeper very angry.

I do conceive that the Printing the Depositions was an appeal to mankind, Whether what was sworn before the Coroner was not sufficient to prove the Earl *Felo de se*.

I do not so much wonder at the folly of those two inconsistent Deponents, as at the indiscretion of the then Mis-Government, to print such incongruous Informations, as by their material, notorious Difference, naturally rendred both suspected, as false and contrived.

The Boy and his Sister being examined, I was called again before the Board, where the Lord Keeper told me, That I must give Security to answer to an Information, which in that Matter should be preferred against me; and that Afternoon I gave 2000*l*. Bail accordingly, and was discharged out of Custody.

Although thus treated, I was resolved to proceed in my Inquiry; and for some Weeks was daily in search after many particulars of which I had been informed; amongst the rest I was told, that it was reported above an Hundred miles from *London*, before the Earl's Death, that he had cut his Throat in the *Tower*, as is before observed.

In Search after this Report, I rid into *Wiltshire*, where I and my Servant were taken up, and sent to the County Gaol, upon a very illegal Warrant, in the conclusion whereof, The Keeper was commanded to keep us both without Conversation with any Person whatsoever; and without Pen, Ink, or Paper, till the Gaoler should hear from the King and Council. A strict obedience to this Warrant might have confined me, and my man to that Prison all the time of our lives.

From this Gaol I and my Servant were remov'd by *Habeas Corpus*, upon the *Habeas Corpus* Act, to be bail'd; my man was discharged without bail, but the Lord Keeper demanded 24000 l. Bail for my Appearance, and Security for the Good Behaviour.

These were Terms I could not comply with, and was therefore some considerable time continued in the Custody of a Messenger, at above Four pounds a Week, directly Expences, besides other collateral Disbursements.

To avoid this vast Charge, I Petitioned to be removed over to the Kings-Bench, which after many Petitions, I did at last obtain. But before my removal I did agree with the Marshal upon giving 2000 l. Security, and Five Shillings per Week, to have the Liberty of the Rules. When I was removed, the Marshal insisted upon 10000 l. Security, and Ten Shillings per Week, which when I had given, I was notwithstanding lock'd up at no less Expence than 2 l. 5 s. 3 d. per Week, for Prison-Charges.

Thus having lain some Weeks in this Place, I moved the Kings-Bench to be bail'd, and at last obtained it.

Having once more got my Liberty, I renewed my Prosecution; but as a designed prevention hereof, I was about November, 1683, again taken up upon an illegal Warrant as the former. For herein no Crime was specified, but it was granted against me for being suspected to be disaffected to the then Mis-Government. By virtue of this Warrant, I was first carried before Sir James Edwards, then before the Lord Mayor; and after that to White-Hall, before the King and Council.

The Design of this was to charge me with bespeaking 500 Protestant Flails (as some pretended) for the Destruction of the (then mis-call'd) Loyal Party. But upon full Examination, in this Accusation, there appeared such falshood and inconsistent malice, that I was ordered forthwith to be discharged.

Once more being at Liberty, I did renew my Inquiries, in which, till the Hillary-Term then following, I was in almost a constant Hurry.

In Hillary-Term 83, Mr. Speake and my Self were tried upon an Information for a (pretended) Misdemeanour. In this Charge was set forth (in substance) that the Earl of Essex, being Prisoner in the Tower for High-Treason, did feloniously destroy himself, and was so found by the Coroner's Inquest. Notwithstanding this, Mr. Speake, and my Self, did conspire to procure false Witnesses, to prove that the said Earl was murdered by persons unknown, in whose custody he was, L. p. 16.

The then Attorney General tells the Court, That they had a Cloud of Witnesses to prove that the said Earl did indeed destroy himself, L. p. 16.

When this Cloud appeared, it consisted in Major Hawley (at whose House my Lord was murdered) Russel the Warder, who then kept the Chamber-door; Bomeny, my Lord's Servant (then attending on his Lordship) and Floyd the Centinel (who kept the outward Door, whilst my Lord was murdered. Here are three (Monday being the fourth) of the men in whose Custody my Lord was, and consequently (according to the Information) the very men Mr. Speake, and my Self, had conspir'd to Charge with my Lord's Murder; and these very men, in whose Custody my Lord was, were like a Cloud of Witnesses brought to prove, that those men, in whose Custody my Lord was, did not murder his Lordship; but that the Earl himself feloniously, and as a Felon, of himself, did kill and murder.

How very Ridiculous would it have looked, should the then Court, or Kings Council, have thus spoke to those three Witnesses, (viz.) Gentlemen, you being three of the Men in whose Custody my Lord was at the time of his Death, are designed to be charged by the Defendants, Speak and Braddon, with the Murder of my Lord; but we have thought it convenient and just by you to prove, that your selves did not Murder this Unfortunate Lord, but that this Lord himself Feloniously, and as a Felon of himself, did Kill and Murder, as upon only some of your Depositions, he hath been already found by the Coroners Inquisition; do you therefore upon Oath bat purge your selves, and lay the Murder to my Lords own Door, and we will inflict Exemplary Punishment upon these Defendants, whose Conspiracy tended to the charging you as Actors in it, or privy thereunto.

I do humbly conceive, that all this was virtually included in the Examination of those Witnesses, whose Oaths were not only admitted to purge themselves, but to render such as Criminals as should endeavour to charge them. Should the like be practiced in Protection of all accused, (I am well satisfied) no Man would turn Accuser.

If any shall say, These being the Men attending on my Lord at the time of his Death, and his Lordship then a close Prisoner, are the Persons to be presumed privy to what was done by his Lordship, just before his Death, and therefore the Parties which as to that could be sworn.

I answer, As they were the Men which were to be presumed privy to what was done by his Lordship just before his Death, because they were the Persons whose Stations were so near his Lordship; For this very Reason, they were the Parties which were likewise to be supposed privy to what was done To his Lordship just before his Death; and therefore admitting that his Lordship fell by Treachery and Violence, these were the Men must be presumed knowing thereof, whereof these Mens Testimony being in effect a Self-discharge, ought not be to have been admitted.

This Tryal was carry'd on with all the Fury imaginable, and our Offence represented as the worst of Crimes; tho I do hereby Challenge such of the then Bench as are now living, the then Attorney General, and Kings Council, Jury, and all the Witnesses against me, to produce out of all the Evidence against me, (which I will suppose, but not grant to be true) any Action that deserved the Name of a Crime; (altho it ought to have been no small Offence to justify the Judgment against us.) In this I refer my self to the printed Tryal.

Mr. Speake was find a 1000 l. and ordered to give Sureties for his Good Behaviour during his Life. And I was Find 2000 l. and to give likewise Sureties for my Good Behaviour during Life.

Under this Fine Mr. Speake lay some years, and at last upon payment of about 5000 l. his Father, Mother, Brother, and himself, got a General Pardon; but I continued about five years in Custody, even till the now King landed.

I have great reason to believe the late King would never have forgiven me; for about August 1687. I saw a List of the King's Prisoners in Mr. Burton, or Mr. Grakam's hand, and my Name was the only Name mark'd, and that was twice crost, which they told me was done by the King himself. As soon as he had read

read the List, many of the Prisoners were soon after discharg'd; but I was design'd for *Judgment*, not *Mercy*, and therefore kept Prisoner till *November 1688*. when upon this King's Landing, I gave ten Guineas for my Security-bonds; and so made my escape.

About the 21st of *January, 1688*. *Hawley, Monday, Russel, Webster, and Lloyd*, were seiz'd as suspected concern'd in, or privy to my Lord's Murder; and the 23^d of the same Month, being the second day the Convention sat, the House of Lords constituted a large Committee to inquire into this matter; but afterwards the Lords appointed a Close Committee, consisting of these four Lords, (*viz.*) The Right Honourable the Lord Steward, [the Earl of *Devon*], the Right Honourable the Earl of *Bedford*, the Right Honourable the (now) Earl of *Monmouth*, and the Right Honourable the (now) Earl of *Warrington*.

This Close Committee met (for the most part) twice a Week from the beginning of *February 1688*. till about the Middle of *May* then following. The 23^d of which Month many Depositions and Examinations taken by the said Committee, were read in the House of Lords; but the Lord Steward, Earl of *Monmouth*, and *Warrington*, being then gone into the Country in His Majesties Service, it was ordered that these Depositions and Papers should be seal'd up, and kept by the Clerk of the Parliament in the mean time.

In the Clerks hands these Papers lay seal'd up till the 26th of *October* then following, when a new Order of their Lordships, reviv'd the said Committee; and soon after these Depositions were taken out of the Clerks hand by this Committee, which for a considerable time did again sit (commonly) twice a Week: But before their Lordship had reduced all those numerous Informations and Examinations, which they (and some Justices of Peace) had taken in this Matter, into such method, as 'twas thought proper to Report them to the House, a *Prorogation* came, which of Course Dissolved this Committee. But when that Honourable House shall think fit to Order that those Depositions and Examinations (so as before taken) shall be reported to the House, (I hope) by them their Lordships will be convinced, that that Great Champion of our Laws and Liberties, fell a Sacrifice to Popish Zeal, and Tyrannical Fury.

The violent, barefac'd, and irreconcilable Temper, wherewith I was unjustly prosecuted, hath been no small Argument with most Men to believe the truth of his Lordship's Murder. There being scarce one Instance more to be given, where a Person was prosecuted for endeavouring by legal ways, to find out how the King lost a Subject, especially when in Prison, under the more immediate protection of the Law.

If it shall be objected (as it hath been), That the Coroner's Inquest had found his Lordship *Felo de se*, and therein I should have rest satisfied.

I answer, That if the Coroner's Inquisition was like the Laws of the *Medes and Persians* which altered not, this would have been a strong Objection; but seeing the contrary is true, and the Coroner's Inquests have been often questioned, and upon *melius inquirendum* [better Inquiries] the first Inquisition set aside. This common Objection is (therefore) of no force.

Every man that makes inquiry after Blood, is supposed to do the King Service, and prosecutes such inquiries in the King's Name, to know how the King lost a Subject; whether by Self-violence (through which would accrue a Forfeiture of personal Estate) or by the hands of others; for which such Murtherers ought to be brought to punishment.

But in this single instance, instead of being encouraged by the then Government, I was furiously opposed, irregularly prosecuted, and (without the least colour of Justice) utterly ruined. For

I have spent above 1200 *l.* since the last 9 Years of my Trouble; for part of which I have been some time a Prisoner, tho' before Execution I have liberty to go abroad.

But I have some prospect of Redemption out of these unhappy Circumstances by that general consideration of my misfortune, which is now had of many Gentlemen, who think it hard, that I, who voluntarily appeared to my expected ruin, for a Common Good (hitherto) without any compensation, should continue Prisoner for those Debts, such my misfortunes contracted. This Contribution was first moved and promoted by that worthy Gentleman, *Sir W. A.* whose (with many other Gentlemens) Kindness in this Matter, I shall ever in all humble Gratitude acknowledge.

In all my Sufferings, I did never lament my having engaged in this Prosecution; and I hope, That no discouragement shall ever make me repent the serving of a good Cause, nor the greatest Bribe prevail with me to promote a bad.

Sir, I can't but be sensible I have already trespassed upon your Patience, and therefore what I did further design, I must defer till my next, wherein I shall endeavour to demonstrate,

1. That several Measures which the Papists took to conceal this Murther, have (by Providence) been inverted, and made strong Arguments of the truth of the Murther.

2. I shall give further Answers to all the Objections which have been made against the proof of this Murther, and shew the unreasonableness of the belief of the Self-murther. Such as believe the Self-murther without Evidence, (for *Bomeny's* and *Russel's* Informations before detected, can be of no Credit) and shall disbelieve against Evidence, the Earl's Murther (which I conceive by the many Informations before-mention'd, is plainly prov'd) their belief is wrought upon by their Affections, and they believe as they would have it to be, and not upon such rational Grounds, as ought to convince them that it is.

Sir, The Character you bear in your great Zeal for your Countries good, Commands me to subscribe myself, what I cordially am,

S I R,

Your most Humble,

and most Obedient Servant,

July 18.
1692.

L. B.